

REMARKS

The Present Invention and Pending Claims

Claims 3-9 are pending and are directed to a pressure-sensitive adhesive sheet.

Summary of the Office Action

The Office rejects claims 3, 5, and 7-9 under 35 U.S.C. § 103(a) for alleged obviousness in view of U.S. Patent 5,741,861 (Yamamoto et al.) in view of U.S. Patent 6,228,449 (Meyer). Claims 4 and 6 are rejected under 35 U.S.C. § 103(a) for alleged obviousness in view of Yamamoto et al. in view of Meyer and further in view of U.S. Patent 6,218,006 (Tokunaga et al.). Reconsideration of the pending claims is hereby requested.

Discussion of the Rejections under Section 103(a)

The Office has rejected the pending claims for allegedly defining obvious subject matter in view of several references. These rejections are traversed for the following reasons.

A. Claims 3, 5, and 7-9

The Office contends that Yamamoto et al. teaches all of the elements of the present invention as defined by claims 3, 5, and 7-9, except for the use of the laminate sheet as a release liner. The Office contends that it is well known in the art, and exemplified by Meyer, that a linear ethylene/alpha olefin copolymer resin laminate sheet can be used as a release sheet for an adhesive substrate. According to the Office, Meyer broadly implies that the liner can be used for any adhesive (see col. 1, lines 33-47).

Applicants previously argued that Yamamoto et al. teaches only heat sealing the resin to a base material and that therefore one would not be motivated to use the resin as a release liner. In response, the Office contends that Meyer teaches that the same copolymer can function as a release liner. According to the Office, the fact that Yamamoto et al. teaches that the substrate can be heat sealed does not imply that the substrate cannot also be used as a release liner, since Meyer indicates as much.

During a heat sealing process, a material firmly adheres to an object. In other words, in the teachings of Yamamoto, the resin is heat sealed and firmly adhered to a base material (col. 8, line 45, through col. 9, line 4). In contrast, the point of a resin release sheet is to be non-adhering to a base material. Thus, a heat sealed laminate and a release sheet have completely opposite technical functions and effects. As a result, there simply is no motivation to use the resin composition of Yamamoto et al. as a release sheet, since Yamamoto et al. teaches a different manner of adhering the resin composition. The fact that

a substrate, utilized in a different manner, could be used as a release liner is of no consequence if the cited references do not teach or suggest doing so, as is the situation here.

Moreover, the laminate sheet disclosed by Yamamoto et al. is produced from a laminating resin essentially comprising component A and component B (col. 2, lines 26-29). Component B is polyethylene with a density of 0.915-0.93 g/cm³ (col. 2, line 56). However, the density of the copolymer contained in the first layer of a release film disclosed by Meyer is not more than 0.90 g/cm³ and "is substantially free of any polyethylene with a density of 0.91 g/cm³ or greater" (col. 2, lines 41-44). Thus, Yamamoto et al. and Meyer teach opposite technical effects based on using different materials, namely polyethylene with a density of 0.91 g/cm³ or greater (Yamamoto) versus polyethylene with a density of 0.90 g/cm³ or lower (Meyer). Consequently, the resin disclosed by Yamamoto and the resin disclosed by Meyer are not "equivalent materials," as asserted by the Office (Office Action, page 5, line 8).

Upon considering the disclosures of Yamamoto et al. and Meyer, one of ordinary skill in the art would not consider combining the two disclosures so as to arrive at the present invention. Indeed, Meyer directly teaches away from preparing a release sheet with the resin of Yamamoto et al., i.e., a polyethylene with a density of 0.91 g/cm³ or greater. In view of this disclosure, the ordinary artisan would be led away from combining the disclosures of Yamamoto et al. and Meyer and from using Yamamoto's resin as a release sheet. Without such motivation, it cannot be said that the present invention as defined by claims 3, 5, and 7-9 is obvious in view of the cited references. The obviousness rejection is improper and should be withdrawn.

B. Claims 4 and 6

The Office concedes that Yamamoto et al. and Meyer fail to disclose the use of an adhesive substrate in contact with the release sheet comprising a polyester adhesive. However, Tokunaga et al. reportedly teaches the use of an adhesive layer on a silicone-free polyethylene laminate sheet, wherein the adhesive layer comprises a polyester adhesive with aliphatic polycarbonate diol and polyacrylate (see col. 11, line 65, through col. 12, line 8, col. 5, lines 12-27, col. 7, lines 15-27, and col. 9, lines 46-67). According to the Office, it would have been obvious to combine the disclosures of all three references in order to arrive at the subject matter of claims 4 and 6.

As discussed above, Yamamoto et al. teaches against using the laminate sheet as a release liner since it is heat sealed to a base material. Moreover, as discussed above, one of ordinary skill in the art would be led away from combining the disclosures of Yamamoto et al. and Meyer since the two references teach opposite technical features. Tokunaga et al. does

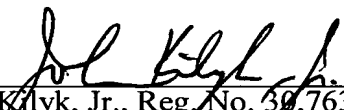
In re Appln. of Inokuchi et al.
Application No. 10/007,742

not cure the deficiencies of either Yamamoto et al. or Meyer. Therefore, for the sake of argument, even if the disclosures of Tokunaga et al. and Yamamoto et al. were combined, there still would not be any motivation to modify the resulting product in accordance with the disclosure of Meyer. As such, the obviousness rejection of claims 4 and 6 is improper and should be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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